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Corporate & Public Strategy
Advisory Group



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In this edition of EU Corridors' Editorial we cover the European Commission's recent Progress Report on Turkey and the EU's reaction to possible cross-border operations...

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Editorial

EU Takes Moderate Stance

The European Commission toned down its criticisms against Turkey in its Progress Report published on November 6, using a less critical language similar with the European Parliament in its resolution on Turkey. Though the EU has decided not to take a strong position against Turkey, it certainly has nothing to do with Ankara's performance in the EU alignment process. On the contrary, Turkey's performance, which has not been stable since 2004, has decreased even further, particularly last year. Yet the EU opted for embracing a rather moderate position towards Turkey, perhaps taking into consideration the fact that the country is still emerging from its recent political crisis.

Full Support to Erdogan

Sympathetic to the strain currently on the Turkish government -- which is thought to be largely pro-EU -- Brussels is taking a low-pressure approach. The EU wants to support the democracy in the country, particularly, following the memorandum of the army on April 27, and refrain from exhausting the Justice and Development Party in this process. The EU is pleased by the government's efforts to initiate the reform process for the 1982 Constitution as soon as it came to power. Hopes for a smooth reform process were further heightened when Abdullah Gul, long known to be pro-EU, became the new President of Turkey. Brussels may also be taking a softer stance toward Turkey because it does not want to inadvertently give ammunition to those opposed to Turkish-EU membership, such as Nicolas Sarkozy, President of France. In addition, the ever-increasing lack of trust in the EU among Turkish people is becoming worrisome to many. All the above factors have been quite effective in the position both taken by the Commission and the Parliament. The Eurocrats stress that they are aware of the fact that the Turkish government is restricted in terms of reform under present circumstances. For this reason, they want to give time to Ankara for its reform process.

Green Light for Limited Military Operation

Apart from the reform process, the EU's attention is on the potential for a Turkish cross-border attack against PKK terrorists. Olli Rehn, European Commissioner for Enlargement, kept his comments on the reform process short during the press conference held on the day the Progress Report was published. He reiterated his stance that Turkey should not use disproportionate power. In other words, he gave the green light to Ankara for a restricted cross-border operation. Brussels' primary concern is a stable atmosphere in Turkey, which could be disturbed by PKK terrorism in the country. The real threat, in the eyes of the EU, is any strike against Turkey's reform process.

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News

European Commission's Progress Report on Turkey

In the Progress Report published on November 6th, The European Commission outlines the economic and political situation in Turkey and calls on Turkey to accelerate the reform process. The report also lists areas in which Turkey is falling behind in EU harmonization. The evaluation of the Commission covers the following:

Reference to the Southeast Issue and Cross Border Operation:

The cross border activities of the PKK, which is on the list of terrorist organizations, creates a security problem for Turkey. The possibility of a cross-border operation has been widely discussed in Turkey. The situation has further deteriorated in the South-East because of attacks by the PKK and other terrorist organizations. The number of fatalities among civilians due to terrorist acts has increased within the country. No progress has been recorded on the total abolishment of the village guard system. On the contrary, new regulations facilitating the appointment of the village guards have been introduced.

Elections and their Results:

Turkey has overcome the Constitutional crisis which followed the presidential elections through free and fair parliamentary elections. The elections were in line with the rule of law and international democratic standards. Participation was high. The newly elected parliament represents the political diversity of the country. The Presidential election ran smoothly and in accordance with the Constitution.

On the other hand, debate continued on reducing the 10% threshold to enter GNAT, one of the highest among European parliamentary systems. During the year, the European Court of Human Rights ruled on the issue that the threshold does not violate the right to free elections. However, it also underlined that it would be preferable to lower the threshold in order to ensure a more efficient representation.

Military:

Turkish Armed Forces continued to exercise significant political influence. Senior military officers started to voice their opinions more frequently compared to the previous years on the issues of Cyprus, secularism and the Kurdish problem. The General Staff reacted publicly to government statements. By publishing a memorandum on its website, the General Staff directly interfered with the Presidential election in April 2007, claiming the country's secularist values are at risk. Several senior military officials attempted to restrict academic research and debates, particularly on the issues of security and minority rights. Moreover, the military targeted the media on certain issues. No progress has been made to curtail the Internal Service Law, which gives major authority to the Turkish Armed Forces, nor has there been adequate progress on the National Security Council law.

Government:

The Government program of the AKP, which was endorsed by Parliament on September 5, includes a strong commitment to continue reforms. The Government is preparing to carry out extensive constitutional reforms that would align Turkey to international standards on basic

human rights. In its April roadmap, the government underscored its commitment to advance the reform process.

Ahmet Necdet Sezer:

Former President Ahmet Necdet Sezer vetoed the laws on Ombudsman, Foundations and the private education institutions concerning political reform. The relations between the President and the government played a role in the slow-down of political reforms.

Judicial System:

Some progress was achieved in the judicial system. Nevertheless, the tension between the government and the judiciary continue to impede effective operation of the judiciary. Specifically, there are concerns regarding the independence and the impartiality of the judiciary. The Constitutional Court annulled the first round of Presidential elections, deciding the quorum of 367 deputies shall present for the first and second voting in the Turkish Grand National Assembly. Allegations that the Constitutional Court is not impartial in its decisions ensued. The appointment of high court judges continues to be fraught with tension.

Fight against Corruption:

Corruption is widespread in the country and no progress has been achieved on the development of an anti-corruption strategy. The establishment of a body to oversee this strategy is crucial. No public body is in charge of collecting data and statistics on corruption.

Torture and Ill Treatment:

The downward trend in the number of torture and ill treatment cases has been noted. However, cases of torture and ill-treatment are still being reported during arrests and outside of detention centers. Persons sentenced to life imprisonment are also frequently subjected to extended periods of solitary confinement. Solitary confinement shall only be applied for a short time under certain circumstances.

Freedom of Expression:

The number of persons prosecuted on the grounds of Turkish Penal Code provisions, including Article 301, which restricts freedom of expression, doubled in 2006 over the previous year and continued to increase in 2007. Judicial proceedings against human rights defenders, journalists and academics have created a climate which has led to self-censorship. For example, the weekly newspaper *Nokta*, which published several articles on issues related to the military, stopped its publication in April 2007 at the decision of the owner. Article 301 needs to be brought in line with relevant EU standards. The anti-terror law is a threat to freedom of expression as much as the Penal Code. While the death of Hrant Dink has led to a movement of solidarity in Turkish society, there were also expressions of support for the perpetrators. The investigation of the assassination has to take into account allegations of police negligence.

Freedom of Religion:

Still there is no solution regarding the difficulties faced by non-Muslims minorities and Alevis. Non-Muslim missionaries have been portrayed in the media or by the authorities as a threat to the integrity of the country and non-Muslim minorities are portrayed as not being an integral

part of Turkish society. This attitude might incite hatred against non-Muslim minorities. Non-Muslim religious communities - as organised structures of religious groups - continue to face problems such as lack of legal representation and restricted property rights. Alevis face different difficulties. For example, Cem houses (Cemevi) are not recognized as places of worship and receive no funding. In addition, the Ecumenical Patriarch cannot freely use the ecclesiastical title Ecumenical.

Minority Rights and Protection of Minorities:

Turkey has made no progress on ensuring cultural diversity and promoting respect for and protection of minorities in accordance with European standards. Turkey's approach to minority rights remains unchanged. According to the Turkish authorities, under the 1923 Treaty of Lausanne minorities in Turkey consist exclusively of non-Muslim religious communities. In practice the minorities associated by the authorities with such a Treaty are Jews, Armenians and Greeks. Without prejudice to the Treaty, the Turkish authorities consider Turkish citizens as individuals having equal rights before the law rather than as individuals belonging to the majority or to a minority. This approach should not prevent Turkey from granting specific rights to certain Turkish citizens on the grounds of their ethnic origin, religion or language, so that they can preserve their identity.

Cultural Rights:

Turkey has made no progress in the area of cultural rights. Significant efforts are required, in particular on use of languages other than Turkish in broadcasting and in political life.

Cyprus:

The Turkish government has continued to express its commitment to a comprehensive settlement of the Cyprus problem under the auspices of the United Nations. Turkey has made no progress on normalizing bilateral relations with the Republic of Cyprus. Turkey continues to veto Cyprus's membership in several international organizations.

Assessment of the Economy:

The authorities largely adhered to the economic policy agreed with international financial institutions, as stipulated in particular in the Stand-By Arrangement with the International Monetary Fund (IMF) and in the Country Assistance Strategy with the World Bank, revised in 2006. However, political considerations occasionally caused some reform deceleration. The fragmentation of responsibilities between government bodies is complicating coordination for budgeting and medium-term economic policy making. Decisions are sometimes taken on an ad hoc basis and impact assessments are either lacking or based on partial information. Turkey's further challenge is to lock in the economic success and stability for the future in a consistent, holistic approach.

The Existence of a Functioning Market Economy:

Macroeconomic stability was largely preserved last year. Recent financial market turbulence added some uncertainty to the business environment, but at the same time underlined the economy's improved shock resilience. The authorities have improved the investment climate by reducing administrative barriers. However, certain features remained which distort the functioning of markets, such as low transparency regarding state aid and market exit.

First EU Visit by Şimşek

Turkish Minister for Economy Mehmet Şimşek, during his first visit to Brussels, on November 7, met with Olli Rehn, European Commissioner responsible for Enlargement. The meeting focused on possible Turkish cross-border military action and the amendment of Article 301 of the Turkish Penal Code. When asked about a possible Turkish cross-border operation, Şimşek replied that Turkey has no plans to invade Northern Iraq. If such an operation takes place, it will only target PKK camps. Şimşek also committed that Turkey will amend Article 301 of the Penal Code. However, he did not give a date. During a speech at the lunch meeting organized by the European Political Center, the Economy Minister signaled that Turkey will accelerate its reforms on the economy.

EP Endorses Motion of Resolution on Turkey

The European Parliament, aiming to influence the European Commission's Turkey Progress Report, adopted three-page motion of resolution on Turkey during their Plenary last month. The motion for resolution drafted by Ria Oomen-Ruijten, Dutch MEP from Christian Democrats is considered one of the most moderate reports on Turkey published by the EP to date. In the resolution, the EP calls on the PKK for an 'unconditional ceasefire,' and signifies its concerns on the outcome of a possible cross-border operation by Turkey into Northern Iraq. On the day the resolution was accepted, the EP, the European Commission and Portugal, which holds the current EU Term Presidency, warned Turkey not to use disproportional force which will endanger the territorial integrity of Iraq. Whereas the Armenian allegations were not included in the EP resolution, the armed forces are asked not to intervene in politics. Ankara is called on to accelerate reform process as soon as possible.

EU Approves Inclusion of Nine Members in the Schengen Area

The 'Schengen Area' which enables free movement of people between the member states of the European Union will be expanded to 9 more members as of 21st of December. In accordance with the decision taken by EU Interior Ministers, Poland, Hungary, Estonia, Latvia, Lithuania, Malta, Slovenia, Slovakia and the Czech Republic will join the Schengen Area. With the expansion of the Schengen Area, Turkish citizens holding a Schengen visa from any member state will also be able to travel to the nine countries.

EU Agrees on Lisbon Treaty

The heads of state and government of the EU convened at an informal EU Summit last month in Lisbon and agreed on the new Reform Treaty, which will replace the draft European Constitution. Since the new Treaty was approved in Lisbon, it will be called "Lisbon Treaty." After the draft Constitutional Treaty was rejected by referendums in France and the Netherlands, most of the member states preferred to ratify the new Treaty by a national parliamentary vote. Ireland is the only EU member state to submit the Treaty to a referendum. However, the British government is also under pressure to hold a referendum for the approval of the Treaty in the UK. The Treaty will put in place internal and structural reforms for the operation of the union with 27 member states. The EU plans to enforce the Treaty before the European Parliament elections in June 2009.

Sarkozy to Continue Obstruct Turkey-EU Accession Negotiations until December

French President Nicolas Sarkozy is determined to impede the negotiations between the EU and Turkey until his proposal to convene a Committee of Wise Men is approved by the

European Union. Sarkozy thought he could induce the other 26 European leaders during their informal summit in Lisbon last month. However, the EU members, lead by the UK and Sweden, declared that they will not approve the idea unless the mission of the Committee of Wise Men is specifically defined. Olli Rehn, European Commissioner for Enlargement, said he believes there is no benefit to such a committee. Despite the counter efforts, the split in the union on the Wise Men Committee resulted in an announcement by Sarkozy that he will not approve the opening of new negotiation chapters with Turkey until December. Sarkozy wants to open the issues of EU borders as well as Turkey's membership to discussion. Portugal will prepare a memorandum on the Wise Men Committee, to be formed of 10 to 12 people, and present it to EU leaders during the EU Summit on December 13-14. At the Summit, France is expected to oppose the opening of new negotiations chapters with Turkey.

Agenda

9 November

- 23rd meeting of the EESC EU-Turkey Joint Consultative Committee, Adapazarı, Turkey. www.eesc.europa.eu (9-10 November)
- European Council, COREPER I

12 November

- Informal meeting of Eurogroup Finance Ministers.
- Plenary Sittings of the European Parliament. (12-15 November)

13 November

- ECOFIN Economic and Financial Affairs Council
- 'Moscow 2007 Business Dialogue', Chatham House. www.chathamhouse.org.uk
- EU Political and Security Committee
- Directorate General for Energy and Transport Matthias Ruete participates in "Which Energy for Europe?" by the Institut Français des Relations Internationales. www.ifri.org

14 November

- European Council, COREPER I
- EU Political and Security Committee
- Weekly meeting of the European Commission

15 November

- European Council, COREPER II
- EU Education, Youth and Culture Council (15-16 November)
- II Lisbon International Conference on Competition Law and Economics. www.eu2007.pt (15-16 November)

16 November

- European Council, COREPER I

18 November

- Euromed Ministerial Meeting on Migration. www.eu2007.pt

19 November

- EU General and External Relations Council (19-20 November)
- Committee meetings in the European Parliament (19-27 November)
- EU-Tunisia Association Council. www.eu2007.pt
- "Pharmaceutical Innovation: the need for a new R&D strategy in the European Union" organized by Portuguese Presidency, Viseu. www.eu2007.pt (19-20 November)
- Troika meeting with OSCE. www.eu2007.pt

20 November

- EU Political and Security Committee

21 November

- European Council, COREPER I
- Weekly meeting of the European Commission

22 November

- EU Competitiveness Council (22-23 November)
- Governing Council of European Central Bank
- EU-ASEAN Summit

23 November

- EU Political and Security Committee
- ECOFIN Economic and Financial Affairs Council

26 November

- Agriculture and Fisheries Council (26-27 November)

27 November

- EU Political and Security Committee
- European Council, COREPER I and COREPER II

28 November

- Plenary of the Committee of the Regions
- Weekly meeting of the European Commission
- Group meetings at the European Parliament
- Plenary Sitzings of the European Parliament. (28-29 November)
- EU-China Summit

29 November

- Transports, Telecommunications and Energy Council (29-30 November)
- Committee meetings at the EP
- "Social Dialogue in Europe" conference is held by the European Commission. www.eu2007.pt

2 December

- Parliamentary elections in Russia.

3 December

- ECOFIN Economic and Financial Affairs Council (3-4 December)

4 December

- European Council, COREPER I

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Brussels, Istanbul, Washington

The information in this document was compiled from various EU information sources.